

Exhibit 12

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Volume I
 Pages: 1-92
 Exhibits: 13-18
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

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JOHN BRADLEY,
 Plaintiff

vs. Cause No.

1:13-cv-12927-RGS

TIMOTHY J. CRUZ, Individually,
 MICHAEL HORAN, Individually,
 FRANK J. MIDDLETON, Individually,
 and OFFICE OF THE DISTRICT
 ATTORNEY FOR PLYMOUTH COUNTY,
 Defendants.

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DEPOSITION
 of
 KENDRA SALVATORE

Sinsheimer & Associates
 92 State Street, 9th Floor
 Boston, Massachusetts 02109

Tuesday, September 22, 2015
 1:10 p.m.

Reporter: Carol A. Fierimonte, CSR

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1 A. No.
2 Q. In what -- how did you meet him?
3 A. When he -- when he came to the office and
4 then he addressed the senior staff.
5 Q. But you sat in as Mr. Cruz's --
6 A. I sit in at the senior staff meetings,
7 yes.
8 Q. You do?
9 A. Yes.
10 Q. All of them?
11 A. Yes.
12 Q. Who usually went to those meetings in
13 2010?
14 A. It would be the head of each department or
15 unit. I don't know specifically in 2010.
16 Q. Well, let's say at the end of 2009, give
17 or take. Okay?
18 A. Uh-huh.
19 Q. Who would be the senior staff to the best
20 of your recollection?
21 A. It would have been Frank Middleton.
22 Q. Okay.
23 A. Bridget Middleton.
24 Q. Okay.

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1 A. Mike Horan.
2 Q. Tim himself, obviously?
3 A. Tim, yes. Rob Thompson who handles
4 appeals. Donna Cruz, who is the CFO. The
5 District Court prosecutor would have been
6 John.
7 Q. Okay. John Bradley?
8 A. John Bradley. Paul Cashin, who runs our
9 diversion unit. Ed Jacobs, who runs the
10 grants and sponsor projects.
11 Q. The diversion unit, is that the pretrial
12 diversion for the first offenders, is that
13 what you are talking about?
14 A. Yes.
15 Q. That is a full-time job, one guy runs the
16 whole unit?
17 A. He is the head of it. There is actually
18 four of them. They cover each court.
19 Q. Really. One from each court, and then he
20 supervises from Brockton?
21 A. He supervises from Plymouth, yes.
22 Q. Why was Bridget Middleton on the senior
23 staff?
24 MR. COHEN: Objection. Go ahead.

1 A. She was the media relations person, and at
2 some point she became the Deputy Chief
3 Legal Counsel.
4 MR. SINSHEIMER: Mark that as
5 Exhibit 14.
6 (Document marked as Exhibit 14
7 for identification.)
8 MR. COHEN: Thank you.
9 Q. I show you a document marked Exhibit 14.
10 The first question is the same as last
11 time. Just only if you have seen it
12 before.
13 (Witness perusing document.)
14 A. Yes.
15 Q. And in what capacity have you seen it?
16 MR. SINSHEIMER: I will withdraw
17 it in that form, capacity.
18 Q. First of all, is this one of the things
19 you have reviewed when you prepared for
20 today?
21 A. No.
22 Q. When did you first see this document?
23 A. When it was sent.
24 Q. Which, if I understand it, was November

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1 17, 2011, around 12:39?
2 A. Yes.
3 Q. And did you tell anybody about it?
4 A. I spoke to Mr. Cruz about it.
5 Q. What did you say and what did he say to
6 you?
7 A. I don't recall exactly. He was out of the
8 office, I believe, when it came in.
9 Q. Okay.
10 A. So we had -- he was at a conference.
11 Q. Okay.
12 A. And we discussed that I was surprised that
13 --
14 MR. COHEN: Just, Kendra, I know
15 you are a little nervous just in general.
16 THE WITNESS: Yes.
17 MR. COHEN: There is nothing to
18 be nervous about. Just tell Rob as best
19 you can what you recall your conversation
20 with Tim was about. Just relax. You are
21 doing great.
22 Q. By the way, if it is any consolation, you
23 don't look nervous to me at all.
24 A. Okay.

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1 Q. But I don't mean that to say -- I
2 understand that these are difficult
3 moments to be deposed. It's not a
4 pleasant thing. We all know that. And I
5 think most lawyers have been deposed as
6 well. Again, you are holding up fine. If
7 I ask questions that are difficult or I am
8 being rude, just tell me. I am just
9 trying to get the information that I need.
10 A. Okay.
11 Q. I am sure he told you that before you even
12 got here.
13 A. Yes, he did.
14 Q. Did you find this e-mail, Exhibit 14,
15 surprising?
16 A. Yes.
17 Q. Why?
18 A. I thought it was very disrespectful to Mr.
19 Cruz.
20 Q. But you liked Mr. Bradley, right?
21 A. Yes.
22 Q. Anybody could have a bad day, right?
23 A. They could.
24 Q. Yes. You've had arguments with Mr. Cruz

1 that he sent that to you, and he was upset
2 about it and he said he would be speaking
3 to John when he got back from the
4 conference.
5 Q. And that's it?
6 A. That's what I recall.
7 Q. And then they spoke?
8 A. They spoke, I believe, the -- when he got
9 back to the office, within the next,
10 within a day or so of him returning.
11 Q. Were you present for that conversation?
12 A. I -- no. I was in my office. They were
13 in his office.
14 Q. You didn't hear any of it?
15 A. No.
16 MR. SINSHEIMER: Mark that as
17 Exhibit 15, please.
18 (Document marked as Exhibit 15
19 for identification.)
20 Q. I am going to show you Exhibit 15 and ask
21 you if you recognize that.
22 (Witness perusing document.)
23 A. I do recognize it.
24 Q. And it appears to be e-mails between you

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1 over the years, right?
2 A. I have not.
3 Q. Never?
4 A. No.
5 Q. And what happened next after you had these
6 initial thoughts?
7 A. We spoke over the phone. I said I was
8 surprised. He was upset about it and --
9 Q. Did he -- so he saw it like on his phone
10 or some device, is that what you think
11 happened?
12 A. Yes.
13 Q. And did he call you?
14 A. I think I called him.
15 Q. Specifically to discuss this matter or
16 because you needed to fill him in on other
17 information?
18 A. I don't recall.
19 Q. Fair enough. All right. Continue. Just
20 remind me everything you said to him and
21 everything he said to you in that instant,
22 please, to the best of your present
23 recollection and good faith.
24 A. I think I believe I just said I'm shocked

1 and Mr. Bradley, correct?
2 A. Correct.
3 Q. And in fact, that is what it is?
4 A. Yes.
5 Q. Other than a photocopy but --
6 A. Yes.
7 Q. Now, is this one of the things that you
8 looked at before you came in here today in
9 the last week or so?
10 A. Yes.
11 Q. It begins with Mr. Bradley basically
12 saying that he won a case and perhaps is
13 annoyed that no one seems to congratulate
14 him, the last thing on the bottom.
15 A. Yes.
16 Q. And you tell him you are sorry, right?
17 A. Yes.
18 Q. And he says classic example of, you
19 actually understood that to be an example,
20 right?
21 A. I'm sorry?
22 Q. It says, "Classic ex of how dysfunctional
23 things have become"?
24 A. Yes.

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1 Q. Okay. And did you also feel that -- did
2 people also understand that two of them
3 were bringing home a quarter of a million
4 bucks a year, and there was a little
5 resentment on that?
6 A. I don't know what they said about their
7 salaries.
8 Q. Well, you heard stuff like that, didn't
9 you, between the two of them, government
10 employees, she never worked, you heard
11 that, right? You are smiling. I want the
12 record to be clear. I am not making this
13 up, am I?
14 MR. COHEN: Go ahead and answer.
15 A. I don't know. I don't know what people
16 specifically were saying. Could they have
17 said that, sure.
18 Q. You heard that kind of scuttlebutt in the
19 office, didn't you?
20 MR. COHEN: Objection. Go ahead.
21 A. I think that people were upset that they
22 were two top-level people in the office.
23 MR. SINSHEIMER: Can we go off
24 the record for a second?

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1 MR. COHEN: Yes, that is fine.
2 (Discussion off the record.)
3 MR. SINSHEIMER: Back on the
4 record.
5 Q. (By Mr. Sinsheimer) Did you help Mr.
6 Horan draft his memo that supported
7 O'Sullivan's complaint regarding
8 Middleton's mistreatment of O'Sullivan?
9 A. Yes.
10 Q. Did you like O'Sullivan?
11 A. No.
12 Q. Why not?
13 A. She wasn't a likable person.
14 Q. What about her made that --
15 A. Just for me, personally, she was not
16 friendly.
17 Q. Why did you help Mr. Horan draft this
18 memo?
19 A. He asked me to type it.
20 Q. Oh, okay. And you did?
21 A. Yes.
22 Q. Were you in charge of tracking employee
23 attendance?
24 A. Yes.

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1 Q. Were Frank and Bridget in the office as
2 much as they were supposed to be?
3 A. They were in and out of the office. I am
4 not sure what exactly you are looking for.
5 Q. The truth and nothing but so help you God.
6 Were Frank and Bridget in the office as
7 much as they were supposed to be?
8 A. She worked two days a week in the office,
9 she worked two days outside the office.
10 Q. How about Frank?
11 A. Frank was in and out of the office, but
12 whether he was out to meetings or, you
13 know, he could have been meeting with the
14 State Police, he could have been doing a
15 number of things. So he was in and out of
16 the office.
17 Q. Did Frank have a known drinking problem?
18 A. Not that I am personally aware of.
19 Q. Patty Durkin has a daughter, correct?
20 A. Yes.
21 Q. Did you arrange a conference -- and do you
22 know one way or the other whether the
23 daughter of Patty Durkin witnessed one of
24 the alleged events that led to Mr.

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1 Middleton's termination?
2 MR. COHEN: You know, counsel, I
3 am going to allow her to answer it. I
4 definitely think it is outside of the
5 scope of the Court's order. But go ahead
6 and answer. Do you know?
7 A. Yes.
8 Q. And in terms of the investigation, did you
9 arrange a conference call with that
10 eyewitness?
11 A. Did I?
12 Q. Yes.
13 A. No.
14 Q. Do you know if there was one?
15 A. I don't know.
16 Q. Did Cruz nap in his office?
17 MR. COHEN: Objection. Really?
18 MR. SINSHEIMER: We are done.
19 MR. COHEN: Okay. All right. So
20 I just have a couple quick questions for
21 you.
22 CROSS EXAMINATION
23 BY MR. COHEN:
24 Q. So Kendra, you earlier were asked

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1 questions about Exhibit 14 which was
2 marked.
3 MR. COHEN: Could you grab
4 Exhibit 14, counsel?
5 A. Thank you.
6 Q. Okay. So take a step back here, Kendra.
7 A. Okay.
8 Q. Do you have access to Tim Cruz's e-mail?
9 A. Yes.
10 Q. And do you make it a practice to monitor
11 his e-mail?
12 A. Yes.
13 Q. And do you monitor his e-mail perhaps even
14 closer or more closely when he is away?
15 A. Yes. I monitor it 24/7.
16 Q. Okay. And, and when we put in front of
17 you Exhibit 14, do you see that?
18 A. Yes.
19 Q. And we don't need to go over the contents
20 of it, but this is the what we call
21 euphemistically, so to speak, the "I am
22 not your child" e-mail.
23 Do you see that there front of
24 you?

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1 A. Yes, I do.
2 Q. About how long after this e-mail, Exhibit
3 14, hit Mr. Cruz's e-mail box did you see
4 it?
5 A. I see it simultaneously.
6 Q. You happened to see the e-mail right when
7 it hit?
8 A. Yes.
9 Q. And Kendra, what was your reaction to
10 seeing the exchange between Mr. Bradley
11 and Mr. Cruz, and specifically
12 Mr. Bradley's last e-mail in this traffic?
13 A. I was shocked.
14 Q. How long after that e-mail hit and you saw
15 it and you were shocked did you actually
16 speak to Tim Cruz about it?
17 A. That day, I am not sure exactly at what
18 point.
19 Q. And I know you testified on previous
20 direct examination by my brother counsel
21 across the table from you, but you had a
22 conversation with Tim Cruz on that day
23 about this e-mail. Is that right?
24 A. Yes.

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1 Q. And did Tim Cruz express a feeling or a
2 response towards the e-mail that he had
3 received?
4 A. Yes.
5 Q. And what was that? What did Tim Cruz say
6 to you about the e-mail that he had just
7 received?
8 A. I think he said I can't believe he sent
9 that e-mail. He was very upset.
10 Q. And what did you say in response, if you
11 remember?
12 A. I think I said I was just as surprised,
13 that is it was very disrespectful.
14 Q. Okay. And did Tim Cruz ask you not to
15 speak about this with anybody, do you
16 recall?
17 A. I don't recall.
18 Q. All right. So then after this e-mail, Tim
19 has a conversation with you about John
20 Bradley's career in the office. Is that
21 right?
22 A. Yes.
23 Q. About how long after this e-mail exchange
24 was it that Tim Cruz had this conversation

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1 with you about John Bradley's career at
2 the Plymouth County District Attorney's
3 Office?
4 A. He told me about it after he had met with
5 John.
6 Q. Okay. So approximately when in time was
7 the conversation that you had with Tim
8 about John Bradley in connection with this
9 e-mail relative to the time this e-mail
10 arrived in and around November 17th of
11 2011?
12 A. I would guess it probably would have been
13 the following Monday or Tuesday, when he
14 returned from the conference.
15 Q. Okay. So it is your best memory, Kendra,
16 that sometime within a week or so of this
17 correspondence, November 17th, 2011
18 communication, that "I am not your child"
19 e-mail, that Tim Cruz had a face to face
20 with John Bradley?
21 A. Yes.
22 Q. And can you tell us where that
23 face-to-face meeting took place?
24 A. In Tim's office.

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1 Q. And was Tim's door open or closed?
 2 A. Closed.
 3 Q. And can you tell us about how long that
 4 meeting was?
 5 A. I'd say about ten minutes, ten to 15
 6 minutes maybe.
 7 Q. And did you ever come to learn what took
 8 place in this meeting that occurred on or
 9 about the Monday following the November
 10 17, 2011 "I am not your child "e-mail
 11 between John Bradley and Tim Cruz?
 12 A. Yes.
 13 Q. And tell us if you would -- well, how did
 14 you learn what took place in that meeting?
 15 A. Mr. Cruz told me.
 16 Q. And what did Mr. -- and did Mr. Cruz tell
 17 you what happened in that meeting like
 18 shortly after that meeting took place or
 19 was it weeks later or something, do you
 20 remember?
 21 A. I believe it was that, that day.
 22 Q. Okay.
 23 A. After the meeting had occurred.
 24 Q. Okay. And so now we are talking about a

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1 time frame of approximately, say, Monday,
 2 November 21st or so. Does that sound
 3 about right?
 4 A. Sure, yes. Okay.
 5 Q. And, and what does Tim Cruz tell you
 6 occurred in that meeting between himself
 7 and John Bradley?
 8 A. He told me that John agreed to resign
 9 after he finished two homicide cases that
 10 were still pending. And that the DA
 11 agreed to that, he thought it was
 12 important for the cases had been going on
 13 for so long, it was important for the
 14 victim's families for John to stay on with
 15 the cases. So that was their agreement.
 16 Q. So and Kendra, I am really not trying to
 17 put words in your mouth. I want to make
 18 sure I understand your testimony here.
 19 Tim Cruz tells you that he had a
 20 meeting in or around November 21st with
 21 John Bradley, which you are aware of
 22 because it was taking place right next to
 23 you. Is that right?
 24 A. Yes.

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1 Q. And Tim Cruz tells you, essentially, that
 2 there was an agreement between Tim Cruz
 3 and John Bradley that after the two
 4 homicides that Mr. Bradley was presently
 5 handling, when those were concluded that
 6 John Bradley had agreed to resign from the
 7 office?
 8 MR. SINSHEIMER: Object to the
 9 form of that question. You can answer.
 10 A. Yes.
 11 Q. Okay. Was there anything about my
 12 question that I just asked that was
 13 unclear or untrue in any way?
 14 A. No, that was true.
 15 Q. That was true?
 16 A. Yes.
 17 Q. Did Tim Cruz relay to you as you can
 18 recall anything else that occurred in that
 19 meeting between himself and John Bradley
 20 on or about November 21st, 2011?
 21 A. I don't know what else was discussed in
 22 the meeting.
 23 Q. Mr. Cruz didn't share anything else with
 24 you, is that what you are saying?

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1 A. Not that I recall.
 2 Q. Right. So was it your understanding,
 3 based on what Tim Cruz told you, that
 4 after John Bradley finished those two
 5 trials, murder trials, that he would then
 6 volunteer to leave the office?
 7 A. Yes.
 8 Q. Have you now shared with us everything
 9 that you can recall took place during the
 10 course of that conversation between
 11 yourself and Tim Cruz on or about Monday,
 12 November 21st or so?
 13 A. Yes.
 14 MR. COHEN: Nothing else. Do you
 15 have anything else?
 16 MR. SINSHEIMER: Only one thing.
 17 REDIRECT EXAMINATION
 18 BY MR. SINSHEIMER:
 19 Q. Before you came here today, did Mr. Cohen
 20 tell you he was going to ask you
 21 questions?
 22 A. No.
 23 Q. Did Mr. Cruz ever ask you to write
 24 anything up about his agreement with